

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 78-34

WASTE DISCHARGE REQUIREMENTS FOR:

OLIVERA EGG RANCH
SAN JOSE, SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Board), finds that:

1. Ed Olivera, and Ed Olivera Doing Business as Olivera Egg Ranch (hereinafter called the discharger) is located on San Felipe Road in San Jose.
2. The discharger's operations consist of seven (7) large enclosed coops which house approximately 40,200 chickens. Waste generated in these coops is washed from beneath the cages by water and delivered to a 160' x 160' x 10' deep waste pond (anaerobic lagoon) by gravity. Solids from the waste pond are trucked to a six (6) acre disposal area located on leased land to the east of the waste pond. Two smaller waste ponds, located easterly of the chicken coops, are also used periodically to control the level of the anaerobic lagoon. Liquids from the waste pond are used for irrigation of an orchard adjacent to and north of the disposal area. A dike approximately 1½ feet high surrounds the disposal area on the north, east, and west.
3. The Regional Board staff has requested that discharger submit a Report of Waste Discharge on four (4) occasions (4/20/73, 7/2/73, 11/22/77, and 2/3/78). As of April 21, 1978, these requests had not been complied with.
4. Regional Board staff has identified the following areas of concern arising from discharger's operation:
 - a. Periodic odor generation. Complaints have been received from area residents.
 - b. Periodic fly breeding.
 - c. Previous direct discharges and threatened future discharges of wastes from the pond into an unnamed creek which is tributary to Thompson Creek. Thompson Creek flows into South San Francisco Bay via Silver and Coyote Creeks.
 - d. Threatened overflow and runoff from the land disposal area, and
 - e. Threatened groundwater pollution from the waste ponds and the land disposal area. Approximately fourteen (14) domestic wells are used by residents in the area.

5. Beneficial uses of the waters of Thompson and Coyote Creeks include:

- a. Non-contact water recreation
- b. Warm and cold freshwater habitats
- c. Wildlife habitat
- d. Preservation of rare and endangered species
- e. Fish migration and spawning
- f. Groundwater recharge

The discharge of waste and/or wastewater from the discharger's waste pond or land disposal area into the unnamed creek will adversely affect these beneficial uses.

6. Subsequent to a Regional Board staff inspection on March 20, 1973, in which discharge to the unnamed creek was observed, Cleanup and Abatement Order No. 73-4 was issued on March 27, 1973, requiring the discharger to:

- a. Abate the discharge of waste from Olivera Poultry Ranch, and any other discharge of this waste to Thompson Creek, and
- b. Abate the odor nuisance generated by Olivera Poultry Ranch.

This abatement order was rescinded on May 15, 1975, after compliance with the order was demonstrated.

7. The Board adopted a Water Quality Control Plan for the San Francisco Bay Basin in April 1975, which prohibits discharge "at any point at which the wastewater does not receive a minimum initial dilution of at least 10:1," and "into any nontidal water or deadend slough or similar confined water area or their immediate tributaries." This Order implements the waste discharge prohibitions stated above.

8. The Board, in a public meeting, held on May 16, 1978, heard and considered all comments pertaining to the discharge.

9. The discharger and interested agencies and persons have been notified of the Board's intent to adopt Waste Discharge Requirements for the existing operations and have been provided with the opportunity to submit their written views and recommendations.

10. This project involves the continued operation of a privately owned waste disposal facility with negligible or no expansion of use beyond that previously existing. Consequently, this project will not have a significant effect on the environment, based upon the exemption provided in Section 15101, Title 14, California Administrative Code.

IT IS HEREBY ORDERED that Olivera Egg Ranch, pursuant to the provisions of Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

- 1. The creation of a nuisance, as defined in Section 13050 of the California Water Code, resulting from the treatment and/or disposal of waste is prohibited.

2. Degradation of groundwater quality resulting from the storage, transport or discharge of waste is prohibited.
3. The discharge of wastes from the discharger's disposal facilities to the unnamed creek and Thompson Creek is prohibited.

B. PROVISIONS

1. The waste treatment and disposal facilities shall provide for total confinement of animal wastes at all times in accordance with the State Water Resources Control Board Minimum Guidelines for Protection of Water Quality from Animal Wastes.
2. The discharger is required to file with the Board a written report, prepared by a State registered Civil Engineer and/or a certified Engineering Geologist knowledgeable in resolving waste disposal problems: acceptable to the Executive Officer, and subject to review by the Regional Board, upon request by the discharger, pursuant to Section 13267(b) of the California Water Code, by August 15, 1978, and to file progress reports with the Board on June 15, 1978, and July 15, 1978. The final report is to include:
 - a. Description of ranch operations and how wastewater and solid wastes are produced.
 - b. Waste volume and waste characteristics.
 - c. Description of the waste treatment and disposal facilities, to include an evaluation of the adequacy of the present facilities to handle the generated waste and comply with the waste discharge requirements of this order.
 - d. A detailed evaluation of the local geologic and hydrologic conditions in relation to possible effects of discharger's operations on the ground and surface water quality, if found to be necessary, at the discretion of the Executive Officer.
 - e. An assessment of the suitability of the hilltop area in terms of sludge disposal, local stockpiling of solids, and the potential for deep percolation and transmission of waste-affected waters to downgradient areas.
 - f. An assessment, similar to 2.e. above, relative to subsurface exfiltration of wastes from the existing pond in the nearby down-slope area where there is a bedrock-alluvium contact.
 - g. Identification and description of additional facilities needed and an operation and maintenance program necessary to ensure compliance with the waste discharge requirements of this order.
 - h. A time schedule for complete implementation of B.2.g above.

This order may be amended as needed after receipt, review, and approval of this technical report.

3. To prevent threat of overflows, a minimum freeboard of 2 feet shall be maintained in all waste ponds at all times.
4. The discharger shall file with the Regional Board technical reports on self-monitoring work performed according to detailed specifications as directed by the Executive Officer.
5. The discharger shall permit the Regional Board or its authorized representative:
 - a. Entry upon premises in which an effluent source is located or in which any required records are kept.
 - b. Access to copy any records required to be kept under terms and conditions of this order.
 - c. Inspection of any monitoring equipment or method required by this order.
 - d. Sampling of any discharge.
6. The discharger shall maintain a copy of this order at the site so as to be available at all times to personnel operating waste disposal facilities.
7. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the discharger, the discharger shall notify the succeeding owner or operator of the existence of this order by a letter, a copy of which shall be forwarded to this Board.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on May 16, 1978.

FRED H. DIERKER
Executive Officer